

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

**AMERICAN POSTAL WORKERS UNION,
AFL-CIO, LOCAL 387**

**Cases 01-CA-146305
01-CA-150056
01-CA-151451**

DECISION AND ORDER

Statement of the Case

On February 10, 2016, the United States Postal Service (the Respondent), the American Postal Workers Union, Local 387 (Local 387), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

¹ Members Hirozawa and McFerran note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), *enfd.* 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, *enfd.* Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing this function, including facilities throughout the State of Rhode Island, located in the Respondent's Greater Providence Area. The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (PRA) (39 U.S.C. § 101 et seq.).

2. The labor organization involved

Local 387 and the American Postal Workers Union, AFL-CIO (the APWU) are each a labor organization within the meaning of Section 2(5) of the National Labor Relations Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Providence, Bristol, Tiverton, Wakefield, Kingston, Narragansett, Apponaug Station, and Warwick, Rhode Island (the Rhode Island area facilities), its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Failing or refusing to bargain collectively and in good faith with the American Postal Workers Union, AFL-CIO, Local 387, by failing to provide Local 387 with requested information in a timely manner that is necessary for, and relevant to, APWU's and Local 387's ability to perform as the employees' bargaining agent at its facilities in the following appropriate unit (the Unit):

All employees designated as Maintenance Employees, Motor Vehicle Services employees, Postal Clerks, Mail Equipment Shops employees, Material Distribution Centers employees, and Operating Services and Facilities Services employees in Article 1, Section 1, entitled "Union Recognition" of the National Agreement between the APWU and the Respondent.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the National Labor Relations Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Bargain collectively and in good faith with APWU and Local 387 as the exclusive collective-bargaining representative of the Unit.

(b) Conduct annual training with each manager and supervisor designated to receive and respond to Union requests for information at the Rhode Island area facilities on how to maintain information and tender relevant requested information to the APWU and Local 387.

(c) Within 14 days of service by the Region (1) post at its Providence, Bristol, Tiverton, Wakefield, Kingston, Narragansett, Apponaug Station, and Warwick, Rhode Island area facilities, and (2) send to all its managers and supervisors in those facilities, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Region, after being signed by Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous place, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means.

(d) Within 21 days after service by the Region, file with the Regional Director for Region 1 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., June 29, 2016

Philip A. Miscimarra, Member

Kent Y. Hirozawa, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose representatives to bargain with us on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT do anything that interferes with these rights. More specifically,

WE WILL NOT fail or refuse to bargain collectively and in good faith with the American Postal Workers Union, Local 387 (the Local Union), the agent of the American Postal Workers Union, AFL-CIO (the National Union), as the exclusive collective-bargaining representative of the following employees at our Providence, Bristol, Tiverton, Wakefield, Kingston, Narragansett, Apponaug Station, and Warwick, Rhode Island facilities (the Unit):

All employees designated as Maintenance Employees, Motor Vehicle Services employees, Postal Clerks, Mail Equipment Shops employees, Material Distribution Centers employees, and Operating Services and Facilities Services employees in Article 1, Section 1, entitled "Union Recognition" of the National Agreement between the APWU and the Employer.

WE WILL NOT fail or refuse to supply the Local Union, in a timely manner, with requested information that it needs to represent the Unit employees.

WE WILL NOT in any similar way interfere with the exercise of your rights under Federal law listed above.

WE WILL bargain collectively and in good faith with the Local Union, the agent of the National Union, as the exclusive collective-bargaining representative of the Unit employees.

WE WILL supply the Local Union, in a timely manner, with requested information that it needs to represent the Unit employees.

WE WILL conduct annual training with each manager and supervisor designated to receive and respond to information requests from the Local Union on how to maintain information and tender relevant requested information to the Local Union.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlrb.gov/case/01-CA-146305 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

